

## PARKS KNOWLTON LLC

RECEIVED  
CENTRAL FAX CENTER

AUG 30 2006

## FACSIMILE TRANSMITTAL SHEET

TO:	Mail Stop AF	FROM:	J. Perry Herndon
COMPANY:	USPTO	DATE:	August 30, 2006
FAX NUMBER:	571 273 8300	TOTAL NO. OF PAGES INCLUDING COVER:	26
PHONE NUMBER:		SENDER'S REFERENCE NUMBER:	C01-0039-000
RE:		YOUR REFERENCE NUMBER:	

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

## NOTES/COMMENTS:

Application No.: 10/044,386  
Filed: December 26, 2002  
Inventor: Frerking et al.  
Title: System and Method for Providing Flexible Data Rate  
Transmission in a Telecommunication System

Attached hereto are the following:

1. Response to Ex Parte Quayle Action dated August 1, 2006

1117 PERIMETER CENTER WEST, SUITE W307  
ATLANTA, GEORGIA 30338  
(678) 325-6601

PATENTS

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Frerking, Melvin D. et al.**Application No.: **10/044,386**Filed: **December 26, 2002**For: **SYSTEM AND METHOD FOR  
PROVIDING FLEXIBLE DATA RATE  
TRANSMISSION IN A  
TELECOMMUNICATION SYSTEM**

Art Unit: 2663

Examiner: Ng, Christine Y.

Confirmation No. 8941

RECEIVED  
CENTRAL FAX CENTER  
AUG 30 2006

Attorney Docket No.: C01-0039-000

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being transmitted by facsimile to the Patent and Trademark Office in accordance with 3 C.F.R. § 1.6(d), to Fax No. (571) 273-8300, on August 30, 2006.

*John Perry Herndon*  
J. Perry Herndon  
No. 54,706

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

AMENDMENT TRANSMITTAL LETTER

Sir:

Transmittal herewith is/are the following in the above-identified application:

- |                                     |                            |                          |                          |
|-------------------------------------|----------------------------|--------------------------|--------------------------|
| <input checked="" type="checkbox"/> | Response to Office Action  | <input type="checkbox"/> | Petition to Extend Time  |
| <input type="checkbox"/>            | Fee as calculated below    | <input type="checkbox"/> | Supplemental Declaration |
| <input checked="" type="checkbox"/> | No Additional Fee Required | <input type="checkbox"/> | Terminal Disclaimer      |
| <input type="checkbox"/>            | Corrected Drawings         | <input type="checkbox"/> | Other _____              |

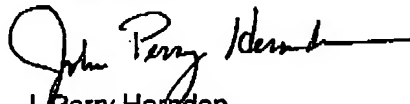
CLAIMS AS AMENDED					
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE
Total Claims	37	52	0	X \$50.00	\$0.00
Independent Claims	16	16	0	X \$200.00	\$0.00
<input type="checkbox"/> First Presentation of a Multiple Dependent Claim				+ \$360.00	\$0.00
<input type="checkbox"/> Reduction by 1/2 for filing by SMALL ENTITY (Note 37 C.F.R. §1.9, §1.27, §1.28) -					- \$0.00
TOTAL FEE DUE					\$0.00

**Application No.: 10/044,386**  
**Filed: December 26, 2002**  
**AMENDMENT TRANSMITTAL LETTER**

**Payment:**

- ☐ A check in the amount of \$\_\_\_\_\_ is enclosed.
- ☐ Payment by credit card in the amount of \$0.00 for the fees designated above.  
(Form PTO-2038 enclosed). **WARNING:** Information on this form may become public.  
Credit card information should not be included on this form. Provide credit card  
information and authorization on PTO-2038.
- ☐ The Commissioner is authorized to charge our Deposit Account No. 50-3447 in  
the amount of \$\_\_\_\_\_ to cover the above-listed additional fees. A duplicate copy  
of this transmittal is enclosed.
- ☒ In the event of an overpayment or improper payment of a required fee, the  
Commissioner is authorized to charge or credit our Deposit Account No. 50-3447  
as required to correct the error.

Respectfully submitted,

  
J. Perry Herndon  
Registration No. 54,706  
Attorney for Applicant

Dated: August \_\_, 2006  
PARKS KNOWLTON LLC  
1117 Perimeter Center West  
Suite E402  
Atlanta, Georgia 30338  
(678) 325-6601 main  
(678) 325-6605 facsimile  
Attorney Docket No.: C01-0039-000

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

RECEIVED  
CENTRAL FAX CENTER

AUG 30 2006

In re application of: )  
FRERKING, Melvin D., et al. )  
Application No.: 10/044,386 )  
Filed: December 26, 2002 )  
For: System and Method for Providing )  
Flexible Data Rate Transmission in a )  
Telecommunication System )

Group Art Unit: 2663

Examiner: NG, Christine Y.

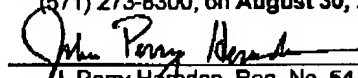
Confirmation No.: 8941

Mail Stop AF  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, Virginia 22313-1450

Attorney Docket No.: C01-0039-000

**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being  
transmitted by facsimile to the Patent and Trademark  
Office in accordance with 3 C.F.R. § 1.8(d), Fax No.  
(571) 273-8300, on August 30, 2006.

  
J. Perry Hendon, Reg. No. 54,706

**AMENDMENT AND RESPONSE TO EX PARTE QUAYLE ACTION**

Sir:

In response to the Ex Parte Quayle Action dated August 1, 2006 please amend the  
above-identified application as follows:

**Amendments to the Claims** are reflected in the listing of claims which begins on  
Page 2 of this Response.

**Remarks** begin on Page 21 of this Response.